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# CHARTER

OF THE

*1840.*

## CITY OF MILWAUKEE,

TOGETHER WITH THE

AMENDMENTS AND ADDITIONS.

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Published by order of the Common Council.

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# CITY CHARTER.

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## *An Act to incorporate the City of Milwaukee.*

### BOUNDARIES—CORPORATE POWERS.

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin :

SECTION 1. That the district of country included within the following limits and boundaries, in township numbered seven, of range numbered twenty-two east, in the county of Milwaukee, to wit: Beginning on the Lake shore, in the northerly part of Milwaukee Bay, where it is intersected by the section line running east and west on the north line of section numbered twenty-two, thence west along said section line and the north line of section numbered twenty-one and section twenty, to the quarter post on the north line of section numbered twenty; thence south along the quarter section line to the center of said section numbered twenty; thence west along the quarter section line in said section numbered twenty and section numbered nineteen, to the west line of said township and range; thence south along the said range line to the north boundary line of township numbered six; thence east along said north line to the lake shore, in the southerly part of Milwaukee Bay;\* and the

\*The boundaries are changed, (See amendatory laws of 1846.) so as to include the S. E.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$  of section 15, and the harbor at the mouth of the river.

north and south boundaries as herein described, are to extend from the two points of intersection with the lake respectively, in lines running due east to the eastern boundary of the Territory of Wisconsin, in Lake Michigan, shall be a city, by the name of "Milwaukee," and the people now inhabiting, and those who shall hereafter inhabit within the district of country hereinbefore described, shall be a municipal corporation, by the name of the "City of Milwaukee," and shall have the general powers possessed by cities, at the common law; and in addition thereto shall possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity; and shall have a common seal, and may change and alter the same at pleasure.

#### WARDS.

Sec. 2. For the better government of the said city, the district of country comprised in the limits described in the first section of this act, shall be divided into five wards, as follows: All that part of the said district which lies east of the middle of Milwaukee river and north of the middle of Wisconsin street, shall be the first ward; all that part of the said district which lies west of the middle of Milwaukee river, and north of the middle of Cedar street, and its extension to the west line of the city, shall be the second ward; all that part of the said district which lies east of the middle of said river and south of the middle of Wisconsin street, shall be the third ward; all that part of the said district which lies west of the middle of said river, south of the middle of Cedar street, and within sections numbered twenty-nine and thirty, shall be the fourth ward, and the residue of said city shall be the fifth ward.

**OFFICERS.**

**SEC. 3.** The elective officers of the said city, shall be one mayor for the city, three aldermen in each ward, one justice of the peace in each ward, and one constable in each ward ; and said aldermen, justice, and constable shall be residents and voters in the wards for which they may be elected, and the removal of any justice of the peace out of such ward, except the person who may be appointed police justice, shall vacate the office of the person so removing, which vacancy may be filled by special election, to be held at such time and place as shall be appointed by the common council, and in the manner prescribed by this act for holding elections.

**ELECTION.**

**SEC. 4.** The first election for city officers shall be held on the first Tuesday of April next, at which time an election shall be held in each ward, at such place as may be designated by the president and trustees of the town of Milwaukee, and be conducted by three inspectors, or a majority of them, who shall be appointed by the said president and trustees, and shall make due return to the clerk of the board of trustees, and all elections thereafter shall be held annually, on the first Tuesday of April, at such place in each ward as shall be designated by the mayor and common council, who shall annually appoint three inspectors of elections, who, or a majority of whom, shall superintend such election, and make return of the same to the common council, in such manner and at such time as said common council may prescribe.

**ELECTION.**

**SEC. 5.** At the first election, the electors in their respective wards shall vote for one mayor of the city, three aldermen, one justice of the peace, and one constable, for the ward wherein such elector may vote ; and annually



thereafter, the electors at their respective ward elections, shall vote for one mayor of the city, three aldermen, one constable, and every second year, for one justice of the peace.

#### QUALIFICATION.

SEC. 6. All white male citizens who are duly qualified to vote for county and territorial officers, and have resided in said city one year, and in the ward where he may offer his vote three months\* next preceding such election, and all white male aliens who shall have legally declared their intentions to become citizens, of the age of twenty-one years, and who shall have resided in the said city one year, and in the ward where they propose to vote, three months next previous to the election, and shall have been assessed and paid a tax upon real or personal property in said city within one year, or shall within the same time have been assessed for highway work in said city, and shall have actually performed the same, or may have been a member of a fire company in said city, and have done duty therein for at least six months next preceding such election, shall be electors of said city, and be entitled to vote for any of the elective officers therein.†

#### CHALLENGES.

SEC. 7. Whenever any person shall present himself to give his vote, and either of the inspectors shall suspect that such person does not possess the qualifications of an elector, or if his vote shall be challenged by an elector, the inspectors of the election, before receiving the vote of any such person, shall require such person to take an oath that he possesses

\*Now ten days.—[See amendatory law of 1849, Sec. 5.

†So Much of this section as requires the payment of any tax or membership in a fire company as a qualification for an elector, was repealed by the act of Feb. 4, 1847, Sec. 5; but this section 5 was repealed by the act of 1849.—[Sections 5 and 13.

the qualifications prescribed in the preceding section; and that he has not voted at such election. If the person offering to vote shall take such oath, his vote shall be received, unless it shall be proved by evidence satisfactory to a majority of the inspectors, that he does not possess the qualifications of a voter, in which case his vote shall be rejected. And if any person shall take such oath knowing it to be false, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof shall suffer such punishment as is now, or shall hereafter be provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he may reside, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding fifty dollars nor less than twenty-five dollars, to be recovered in the same manner as other penalties may be recovered under this act. It shall be the duty of the inspectors of election to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any such inspector shall knowingly and corruptly receive the vote of any person not duly authorized to vote, such inspector shall be liable to indictment, and on conviction thereof shall severally forfeit and pay for the use of the city a sum not exceeding five hundred dollars, nor less than one hundred dollars.

#### ELECTION.

SEC. 8. The person receiving a plurality of all the votes cast in all the wards, for mayor, shall be the mayor; and those three persons in each ward who may receive the highest number of votes at the first election for aldermen in their respective wards, shall be the aldermen for the wards so electing; and that person in each ward receiving the highest number of votes at the first election for justice of

the peace, shall be justice of the peace in the ward so electing ; and the person in each ward receiving the highest number of votes for constable, at the first election, shall be a constable in the ward so electing ; and at all subsequent elections, the person receiving the highest number of votes for each of the said offices respectively, shall be thereby duly elected for the office for which he may have been designated by such votes. The board of trustees of the town of Milwaukee shall determine who shall have been properly elected at the first election, and the president of the board of trustees shall administer the oath of office to the first mayor, and such mayor shall administer the oath of office to the several aldermen who have been declared to be elected ; and the mayor also may administer such oath to any and all officers of or within the city. All subsequent elections shall be determined on by the mayor and common council ; and the new mayor in every case may be sworn into office by his predecessor or clerk or any alderman of the board, and he shall administer the oath of office to all newly elected aldermen. In case of a tie between two candidates at any election, the election of one or the other of them shall be determined by lot in the presence and under the direction of the mayor and common council.

#### COUNCIL.

Sec. 9. The municipal authority of the said city shall be vested in a common council, which shall consist of the mayor and aldermen as herein after mentioned, a majority of whom shall be a quorum for the transaction of business. The mayor shall preside in common council, and shall have a casting vote and no other therein. The representation in the common council shall be as follows, viz : Each ward shall be represented by three aldermen ; and each of the said aldermen from the several wards aforesaid, shall be entitled to one vote in the said common council. The sittings of

the said common council shall be public, and the records of its proceedings shall be kept by the clerk, and shall be open at all reasonable office hours, to public inspection.

**MAYOR.**

SEC. 10. The mayor shall be the chief executive officer and head of the police of the city. It shall be his duty to recommend in writing to the common council, such measures as he may deem expedient. He shall maintain peace and good order, and see that the laws of the Territory and the ordinances of the city are observed and executed. He shall have power to administer oaths or affirmations and to take and certify acknowledgements of deeds and other instruments in writing. He shall nominate, and with the consent of the common council appoint, a marshal\* of the city, and one constable in each ward, and at his pleasure remove any of said officers. In case of riot or other public disturbance, he may appoint as many special and temporary constables as he may deem proper.

**POLICE.**

SEC. 11. The mayor or acting mayor, each and every alderman, justice of the peace, marshal, deputy marshal, constable, and watchman, shall be officers of the peace, and may command the peace and suppress in a summary manner, all rioting and disorderly behavior in a manner consistent with the ordinances of said city, within the limits thereof, and for such purposes may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer, or private of such company shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance of the common council, in such case provided. And in all cases

\*The power to appoint a marshal was repealed Feb. 4, 1847, but restored in 1849.

where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

#### ACTING MAYOR.

SEC. 12. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the common council shall appoint by ballot one of their number to preside at their meetings;\* and the alderman so appointed shall be vested with all the powers and perform all the duties of mayor, until the mayor shall resume his office, or the vacancy be filled by a new election.

#### TENURE OF OFFICE.

SEC. 13. The tenure of office shall be as follows: The mayor shall hold his office one year, and until his successor shall be elected and duly qualified. The aldermen elected in the several wards, shall hold their offices for the term of one year, and until their successors shall be elected and duly qualified. The justices of the peace shall hold their offices two years, and until their successors shall be elected and duly qualified. And all constables regularly elected, shall hold their offices for the term of one year, and until their successors be elected or appointed and duly qualified. And in the event of a vacancy in any elective office, the same may be filled by special election to be held at such time and place as may be designated by the mayor and council; and the person so elected shall fill the vacancy during the remainder of the term for which his predecessor was elected.

\*The council now elect a president.—[See laws of 1849.

#### POWERS OF OFFICERS.

**SEC. 14.** The justices of the peace and constables elected or appointed, in the several wards, shall possess all the powers and enjoy all the rights (subject to the exceptions in this act contained) of justices of the peace and constables of the towns in Milwaukee county, and shall provide the like bonds and be subject to the same liabilities; and the marshal of said city and all deputies by him appointed, shall in like manner possess all the powers, be subject to the same liabilities, and enjoy the same privileges as constables in the towns in Milwaukee county, and said marshal shall file with the clerk a bond for the faithful performance of his duty, to be approved by the mayor and common council.

#### POLICE JUSTICE.

**SEC. 15.** The common council, at their first meeting, or as soon thereafter as may be, and afterwards whenever a vacancy shall happen, shall designate one of the justices elected within the city, to be a "police justice," who shall continue to be such police justice during his continuance in office as a justice of the peace, or until removed in the manner hereinafter provided.

#### POLICE JUSTICE.

**SEC. 16.** The police justice shall possess all the authority, powers, and rights of a justice of the peace, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city; but warrants returnable before the police justice, may be issued in criminal cases by any other justice in the city, but no fee shall be received therefor by any other than the police justice. The police justice shall also have exclusive jurisdiction in all cases in which the city is a party, and he shall have the same power and authority in cases of contempt as a court of record; *Provided*, That nothing herein contained shall be deemed to divest the judges of the

supreme court of their authority as justices of the peace, nor in any manner to affect the jurisdiction or powers of the district court of Milwaukee county.

#### SUITS.

Sec. 17. In all suits for the violation of any ordinance of the city, the process may be by warrant, and it shall be enough without setting forth the special matter, to declare generally in debt, with reference to the ordinance under which the action is brought. And a printed copy of an ordinance published in a newspaper or pamphlet, by authority of the common council, shall be *prima facie* evidence of the passage and publication of such ordinance.

#### SALARY.

SEC. 18. The supervisors of the county of Milwaukee shall from time to time provide a salary for the police justice, of not less than four hundred dollars, nor more than eight hundred dollars, for his services in criminal cases, to be paid semi-annually; which salary shall not be reduced during the continuance in office of the person in whose favor the same shall have been provided: *Provided*, always, that nothing herein contained shall make it obligatory on the board to pay such salary, unless a majority of said board shall vote in favor of such payment. And for all duties arising under or growing out of the ordinances of the city (other than criminal cases) such compensation shall be allowed as from time to time may be established by the common council. The taxable costs in any criminal or civil proceeding before the police justice, shall be the same as are now, or may hereafter be taxed by law in justices' courts. And the police justice shall semi-annually render an account of all the justice fees collected by him in any criminal case, and pay the same over to the treasurer of the county of Milwaukee, for the use of said county. The police justice

shall also semi-annually render an account of all justice fees collected by him in any civil case in which the city is a party, and pay the same over to the treasurer of the city of Milwaukee, for the use and benefit of said city.

#### REMOVAL.

SEC. 19. The justices of the peace may, at any time, be removed from office by the common council, on the complaint of any elector preferring charges of malconduct or incompetency, a copy of which complaint shall be served on the officer complained of, at least six days before the time set for the hearing. At the time appointed for the hearing thereof, said officer shall be heard by himself or counsel before the board of common council, who shall, after a fair investigation of the complaint and defence, vote for or against sustaining the complaint, by ayes and noes; and if two-thirds of the votes thus given are in favor of sustaining the complaint, such justice shall thereupon be dismissed from office.

#### VACANCY.

SEC. 20. In case of the temporary absence or sickness or other inability of the police justice, the common council may designate any other justice of the peace to act for the time being as police justice; and the justice so acting, shall be entitled to receive for his services, so much out of the salary of the police justice as the common council shall deem proportionate and just.

#### APPOINTMENT OF OFFICERS.

SEC. 21. The common council shall have power to appoint, and at their pleasure to remove, by a vote of a majority of the board present and acting, the following officers, and such others as may be deemed necessary to carry out the powers conferred by this act on said municipal



corporation, viz : One treasurer,\* whose duty it shall be to receive and account for all moneys paid into the treasury, keeping an account for all receipts and disbursements made on account of each ward separately ; collect all taxes, make all payments, and in all respects perform all duties pertaining to his said office, in such manner as may be prescribed by ordinance or directed by resolution of said common council. A clerk, to record the proceedings of the board ; one assessor† in each ward ; one chief engineer of the fire department, and as many assistant engineers as the common council may from time to time deem expedient ; one attorney ; ‡ one sealer of weights and measures ; one or more surveyors, and so many measurers of fuel, grain, lime, and other marketable articles, weighers of hay, pound masters, sextons or keepers of burial grounds, inspectors of streets, flour and provisions, and harbor masters as the common council may from time to time deem expedient ; and prescribe their compensation and duties, and to impose and enforce in law such penalties as to said council may seem expedient and proper for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of such of them as may be deemed necessary and proper by said council.

#### ORDER.

SEC. 22. The common council shall have authority to preserve order and propriety in its proceedings, and to punish in a summary manner, by fine and imprisonment, all disorderly, disrespectful, or contumacious conduct in its presence, and also to compel by pecuniary penalties the attendance of its members and officers ; and all moneys

\*The city treasurer is now elected by the people.—[See law of Feb. 4, 1847, and of 1849.

†The power to appoint assessors and attorney was repealed Feb. 4, 1847, and restored in 1849.

received under the provisions of this section, may be used by the common council as it may deem proper,

#### CONTRACTS.

SEC. 23. No member of the common council shall be a party to, or interested in any contract or job with the city; and any contract in which any member of the common council may be so interested, notwithstanding this prohibition, shall be null and void and of no force against said city as a party thereto.

#### ORDINANCES.

SEC. 24. The common council shall have power to enact, establish, publish, enforce, alter, modify, amend, or repeal all such ordinances, rules, and by-laws, for the government and good order of the city, for the suppression of vice, for the prevention of fires, and for the benefit of the trade, commerce, and health thereof, as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, or by-laws, and such ordinances, rules, and by-laws are hereby declared to be and have the force of law; *Provided*, that they be not repugnant to the constitution and laws of the United States, or of this Territory, and for those purposes shall have authority by ordinance or by-laws:

I. To establish rates for and license and regulate taverns, groceries, and victualling houses, and all persons retailing or dealing in spirituous, vinous, or fermented liquors, and to license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of any natural or artificial curiosity, caravans, circusses, or theatrical performances, and to provide for the abatement or removal of all nuisances, under the ordinances or at common law.

II. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance for the purpose of gaming in said city.

III. To prevent any riots, noise, disturbance, or disorderly assemblages, suppress and restrain disorderly houses or groceries, houses of ill fame, billiard tables, nine or ten pin alleys or tables, shows and exhibitions, and to authorize the destruction of all instruments used for the purpose of gaming.

IV. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove, or abate the same from time to time as often as it may be deemed necessary for the health, comfort, and convenience of the inhabitants of said city.

V. To direct the location and management of all slaughter houses and markets, to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials.

VI. To prevent the incumbering of the streets, sidewalks, lanes, or alleys with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire wood, or any other materials or substances whatever.

VII. To prevent horse racing, immoderate riding or driving in the streets, and regulate the places of bathing and swimming in the waters within the limits of said city.

VIII. To restrain the running at large of cattle, swine, sheep, poultry, and geese, and to authorize the distraining and sale of the same.

IX. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

X. To prevent any person from bringing, depositing, or having within said city, any putrid carcass, or any unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, fish, hides, or skins of any kind; and on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

XI. To make and establish public pounds, pumps, wells, cisterns, and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants of said city or any ward therein, to erect lamps, and regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen, and cartmen within the city.

XII. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burying grounds and grounds set apart for the public use, from taxation.

XIII. To regulate the procuring of fire buckets and the purchase of fire engines, and to preserve said city from injuries by fire, and to prescribe and regulate the materials of which houses may be built within the fire limits, and the manner of erecting and securing chimneys, and to provide for removing chimneys which may be deemed dangerous, and to require and provide for the building of new chimneys where deemed necessary, at the expense of the owners or occupants of buildings when the same may be required.

XIV. To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

XV. To establish fire limits.

XVI. To regulate the building of wharves, bridges, mill races, and canals, and provide for the security and protection of the same.

XVII. To prevent all persons riding or driving any horse, ox, mule, cattle, or other animal on the sidewalks in said city, or in any way doing any damage to such sidewalks.

XVIII. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying any citizen thereof.

XIX. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and provide for arresting, removing, and punishing any person or persons who may be guilty of the same.

XX. To restrain and regulate runners or solicitors for boats, vessels, stages, public houses, or other establishments; to regulate the police of the city, to appoint watchmen and firemen, prescribe their duties, and to punish their delinquencies.

XXI. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

XXII. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butcher's meat, butter, fish, and other provisions.

XXIII. To regulate the place and manner of weighing and selling of hay, or measuring and selling of fuel and lime, and to appoint suitable persons to superintend and conduct the same.

**XXIV.** To compel the owner or occupant of any building or ground to remove the snow, dirt, or rubbish from the sidewalk, street, or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

#### **PENALTIES.**

**SEC. 25.** In all cases in relation to which, by the provisions of this act, the common council have power to enact or pass ordinances or by-laws in relation to any subject; they may prescribe any penalty for the violation of such ordinance or by-law not exceeding fifty dollars, for any one offence in the violation or non-observance thereof; and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender shall be imprisoned for such term as they may by such ordinance direct, not exceeding thirty days, for which purpose the said city shall have the use of the jail of Milwaukee county, for the imprisonment of any person liable to be imprisoned, and all persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county: *Provided*, said city shall pay the expense of keeping and maintaining such prisoners.

#### **EXECUTION.**

**SEC. 26.** Every execution issued upon judgment for the violation of any ordinance or by-law of the city, shall contain a clause directing, in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail, for such term as shall have been provided by the ordinance under which the judgment shall have been rendered.

## WARDS.

**SEC. 27.** Each ward in said city shall constitute and be a separate township or town, under the laws regulating town and county government; and as such, shall have and enjoy all the rights, privileges, and powers of towns in the county of Milwaukee; and the three aldermen of each ward shall be and hereby are declared ex-officio supervisors of such towns, and as such, they are hereby empowered to act for all town purposes; and one of their number shall annually be appointed by themselves, who shall be the chairman of supervisors, to meet with and act in the county board of supervisors, in the same manner and with the same rights and powers as is or may by law be prescribed and exercised by other members of said county board.

## SCHOOLS.

**SEC. 28.** Each ward in said city shall constitute one school district; and the office of school commissioner shall be merged in that of alderman; and they shall exercise all the powers and duties which by law are or may be conferred or imposed on boards of school commissioners; and further, that the other town officers which are or may be provided by law to be elected annually in the towns, be and the same are hereby declared to be inapplicable to the several town governments in the said wards; the same being merged in and superceded by the powers of local government, which by this act are conferred on the city authorities, or on the aldermen as supervisors of the wards; and so much of the township or town of Milwaukee as falls within the aforesaid city limits, be and the same is hereby excluded from the same; and the remainder of said town as now organized, shall be and constitute a town as heretofore, by the name of the town of Milwaukee, for all purposes of town and county government.\*

\*This section repealed.—See School Law, Feb. 3, 1843, Sec. 12.

## NEW STREETS.

**SEC. 29.** The common council shall have power and authority to lay out new highways, streets, alleys, and public walks, and to vacate such highways, streets, alleys, and public walks as in their opinion shall not be of public utility ; to regulate, grade, pave, and improve streets, avenues, lanes, and alleys, and to extend, open, and widen the same within the limits of the city, making the person or persons injured thereby, adequate compensation ; to ascertain which, the common council shall cause to be summoned twelve good and lawful freeholders, inhabitants of said city, (not directly interested) who being duly sworn for that purpose, shall inquire into, and take the same into consideration, as well the benefit as the injury which may accrue, and estimate and assess the damage which would be sustained by reason of the laying out, opening, extension, or widening of any street, avenue, alley, or public walk, as aforesaid, and shall moreover, estimate the amount which other property shall be benefitted thereby ; all of which shall be returned to the common council under their hands and seals, and the property so assessed shall be liable for the payment of the same in such manner as other taxes are payable ; and the residue, if any, shall be paid out of the city treasury on account of the ward where such improvement shall be made.

## SIDEWALKS.

**SEC. 30.** The common council shall have power to cause to be graded, graveled, and paved, the sidewalks on any street or part of street, and to levy and collect a special tax on the lots or owners thereof, fronting on the sidewalk so constructed, in proportion to the fronts of such lots respectively, on each sidewalk, for the purpose of defraying the cost of the same, in addition to the ordinary tax authorized by this act, to be levied for general purposes, to be collected



in the same manner as other taxes are authorized to be collected.

#### TAXES.

SEC. 31. The common council shall have power to levy and collect annually a tax (for general ward purposes, including making, grading, gravelling, and paving streets) on all such real and personal property as may by law be liable in Milwaukee county for county purposes, not exceeding one per centum of the assessed value thereof, and also levy and collect annually a tax of one per centum of the assessed value thereof on all real estate, exclusive of the value of all buildings thereon, to be applied in payment of the debts which have been contracted by the president and trustees of the town of Milwaukee, and on behalf of the two wards which were due or owing on the last day of December, 1844, by the two wards of the town of Milwaukee, as heretofore incorporated. Said tax to continue in the first and third wards until the debts of the east ward of said town shall have been paid, and in the second and fourth wards until the debts of the west ward shall be paid, and also to levy and collect annually such further amount of tax as the aldermen of the several wards separately, shall deem necessary for school purposes,\* and collectively for the support of the poor in said city, not exceeding one quarter of one per centum for each of said purposes, of the assessed value of the real and personal property returned in the annual assessment for general purposes, and also such further tax for county purposes as may be established by the county board of supervisors, pro rata with the other towns in the county, agreeably to the value of property, and in accordance with the general laws on the subject; and also a tax not exceeding one quarter of one per centum on the aggregate valuation of property in all the wards as may be determined on by a

\*Modified.—[See school law Feb. 3, 1846, Sec. 7.]

majority of that board, for preserving the health and regulating the police of the city; and also a tax on each of the wards not exceeding the half of one per cent. on the valuation as aforesaid, for the purpose of building and maintaining bridges in addition to the taxes authorized by this act, a majority of the aldermen concurring in the ward wherein the tax is proposed to be raised: *Provided*, That so much of sections nineteen and thirty as are included in the city limits be exempt from any tax levied for the purpose of paying the debts of the west ward, contracted previous to the taking effect of this act: *And Provided further*, That all those parts of sections nineteen, thirty, thirty-one, and thirty-two, included within said city limits, that are used for farming purposes, or not laid out into city lots, or for town or city purposes, be exempt from all taxes authorized by this act, except for schools, poor, or highway taxes.

#### HARBOR.

SEC. 32. Whenever a majority of such of the voters of the first, second, third, and fourth wards as have been assessed and actually paid tax on real and personal estate, within either of the said wards, during any preceding year, shall vote at a meeting called for that purpose, to raise a tax for the purpose of constructing a harbor at the site recommended by Lieutenants Center and Rose, and for dredging the Milwaukee river, it shall be lawful for the said common council to levy a tax in addition to the ordinary taxes, on all the real and personal estate within the limits of the aforesaid wards, sufficient to defray the expenses thereof, which tax shall be collected in the same manner as other taxes are collected by virtue of this act.

#### HIGHWAY TAX.

SEC. 33. There shall be two days' work performed annually on the highways, streets, and alleys by each male

\*This section modified by the act of Aug. 19, 1848.

person, who by the laws of the Territory is subject to perform highway work. Such person to perform such labor within the ward where he resides, under the direction of such road commissioner or inspector as the common council may appoint; but any such person may at his option pay at the rate of seventy-five cents per day for every day he may be so bound to labor, and in default of the payment of such money, or the performance of such labor, the road commissioner or overseer, or such person as the common council may appoint, may sue for and collect such money by action of debt, in the name of the "City of Milwaukee," with twenty-five per cent. damages on the same, together with all the costs of suit, before the police justice; and in all such cases the process shall be by warrant, and no stay of execution upon any judgment rendered on such suit, nor shall any property of the defendant be exempt from being taken to satisfy such judgment and costs.

#### ASSESSMENT.

SEC. 34. It shall be the duty of each assessor, to make out, in the month of May, annually, a list of all taxable property within the ward for which he was appointed, with such a clear and definite description that the property and owner thereof may be known as nearly as practicable, and shall set opposite to each lot or part of lot or piece of land, or other thing, article, or commodity in such list contained, the actual cash value thereof, as nearly as said assessor can determine, and said assessment roll shall be returned in the month of May, or such time as the common council may prescribe, to the clerk, with an affidavit of the assessor (or) of the taxable property in the ward for which he was appointed.

#### EQUALIZATION.

SEC. 35. It shall be the duty of the clerk annually upon receiving the assessment roll as aforesaid, to lay the same

before the common council for their consideration, and the said council shall be a board of equalization to consider the valuation of property in the several lists of assessments, and if deemed necessary, make such amendments, corrections, and alterations, as to them may seem proper and necessary to produce equality of assessment, agreeably to the true value of property comparatively, in the several wards; and after such equalization shall have been completed, a rate per centum on the amount of assessment in each ward shall be levied as a tax, for the several purposes hereinafter mentioned, which shall be determined on by a majority of the aldermen of such ward, except for county tax, general tax, and the tax for the payment of ward debts, and for county purposes; a tax shall be levied by the supervisors of the county, on the assessment of other towns in the county; and when the said common council and supervisors shall have determined the rate per centum to be taxed on the assessed value of property, as contained in the assessment roll as aforesaid, it shall be the duty of the clerk, under the direction of the council, to make out in accordance with such determination, a schedule of all the property, in each ward separately, as contained in such assessment roll, annexing to each lot or other item of property, in separate columns, the amount of tax which will be chargeable on the same for the several district purposes by this act authorized, which schedule shall be called the tax list, and shall be recorded by said clerk, for each ward separately, in a book to be by him kept for that purpose, and said tax list or the record thereof, shall, either of them, be conclusive evidence of the amount of taxes assessed for the current year in which the same shall be made out.

#### TAX WARRANT.

SEC. 36. It shall be the duty of the clerk to complete the tax lists of each ward within such time as may be pre-

scribed by the common council as aforesaid, and deliver the same to the treasurer of the city, together with the warrant of said council for collecting the same, and make a record of such delivery in the book where such list shall be recorded, or in the book containing the proceedings of the common council, which record shall be conclusive evidence of such delivery, and the tax so assessed on real estate, shall be a lien in preference to any other lien on estate so taxed, until the same shall be paid or satisfied, together with all costs and charges which may accrue thereon agreeably to law.

#### COLLECTION OF TAXES.

SEC. 37. Upon receipt of the tax list as aforesaid, it shall be the duty of the treasurer of said city, (who shall be the collector for all the wards) to give public notice in some newspaper printed in said city, that such tax lists have been committed to him for the purpose of collecting the taxes thereon, and that he will receive payment of taxes at his office until the last day of December then ensuing; and said notice shall also state the time and place when and where he will sell all lots and lands in said list contained, upon which the taxes remain unpaid at such time, or so much thereof as will pay and satisfy all taxes which may be assessed thereon, together with all costs and other liabilities which shall accrue according to law, by advertisement and sale; and said notice shall be published six successive weeks, between the last day of September and the last day of December in the year of said notice.

#### TAX-SALES.

SEC. 38. In case the tax on any real estate in said tax list contained, shall remain unpaid after the last day of December next ensuing the publication of said notice, the treasurer shall, on the second Monday of January next ensuing, commence the sale of said real estate, and continue

the same from day to day until so much thereof shall be sold as will pay the taxes, interest, and charges due, assessed, and charged thereon, agreeably to this act; and the treasurer shall give to the purchaser or purchasers of any such real estate, a certificate describing the particular lots or lands by him or them purchased, stating the sum paid therefor, and the time when the purchaser will be entitled to a deed for the same lots or lands; and if the person claiming the title to the said lots or lands, described in said certificate, shall not within three years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with interest thereon [at] the rate of twenty-five per centum per annum, from the date of such certificate, then it shall be the duty of the treasurer of the city for the time being, after the expiration of the said three years, to execute to the purchaser, his heirs and assigns, on presentation of such certificate, a conveyance by deed, of the lots or lands so sold, which conveyance shall vest in the person or persons to whom it shall be given, an absolute estate in fee simple, and the said conveyance shall be *prima facie* evidence that the sale and all the proceedings in levying the taxes, advertising the same, and making such sale, were regular, according to the provisions of this act; and every such conveyance shall be executed by the treasurer under his hand and the seal of the city, in the name and on behalf of the city of Milwaukee, and may be given in evidence, and recorded in the same manner and with like effect, as a deed regularly acknowledged by the grantor may be given in evidence and recorded: *Provided*, that in case of assessment of taxes in gross upon any lot or piece of land, the treasurer, upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive the taxes on such part, either in payment or redemption, with

the interest and charges thereon, proportionate to the quantity of such lot or tract so claimed or owned, and the remainder of such taxes, interest, and charges shall be a lien only on the remainder of such lot or piece of land. The treasurer is hereby authorized to give certificates of redemption, and to execute the deeds in the manner herein presented, for all lands sold for taxes levied by the president and trustees of the town of Milwaukee as heretofore incorporated, and such deeds or certificates shall have the same force and effect as the deeds and certificates given for sale by such treasurer.

#### **FEEs.**

**SEC. 39.** It shall be lawful for the treasurer to demand and receive the following fees, viz: For each certificate to be given to a purchaser at tax sale of any lot or piece of land or part thereof, ten cents; and one dollar for each deed executed by him in pursuance of this act, embracing not more than four lots or pieces of land, and five cents in addition thereto for each lot or piece of land included in said deed; and the treasurer is hereby required to include in one deed, as many lots or pieces of land as shall be demanded by any holder of certificates, on presentation of the certificates as aforesaid.

#### **REDEMPTION.**

**SEC. 40.** If any person holding the certificate of purchase of any lot or piece of land in pursuance of this act, shall pay any tax levied subsequent to the purchase of such lot or piece of land, the owner or other claimant who may redeem such lot or piece of land, shall pay the amount of such tax with interest at the rate of twenty-five per centum per annum from the date of such payment, for the benefit of such holder of the certificate.

**TAX LIEN.**

**SEC. 41.** Taxes upon real estate shall be a lien upon the estate taxed, and it shall be the duty of the treasurer upon receiving the tax list and warrants immediately to proceed in the collection of the same.

**DISTRESS.**

**SEC. 42.** In case any person shall neglect to pay any tax assessed on his personal property, after the publication of the notice herein mentioned, the treasurer shall proceed to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, or if any goods and chattels found in his possession within the city of Milwaukee, and no claim of property to be made thereto by any other person shall be available to prevent a sale.

**NOTICE.**

**SEC. 43.** The treasurer shall give public notice of the time and place for sale, with a description of the property to be sold, at least six days previous to the sale, by advertisements, to be posted up in three public places in the city of Milwaukee, and the sale shall be by public auction.

**SURPLUS.**

**SEC. 44.** If the property distrained shall be sold for more than the amount of the tax and the legal charges thereon, the surplus shall be returned to the person in whose possession such property was found when the distress was made, if no claim be made to such surplus by any other person. If any other person shall claim such surplus on the ground that the property belonged to him, and such claim be admitted by the person for whose tax the same was distrained, the surplus shall be paid to such owner; but if such claim be contested by the person for whose tax the property was distrained, such surplus moneys shall be retained by the treasurer until the rights of the parties are determined by due course of law.



**REMOVAL.**

SEC. 45. In case any person upon whom personal property shall be assessed shall have removed out of the city of Milwaukee after such assessment and before such tax ought by this act to have been collected, it shall be lawful for the treasurer to levy and collect such tax by distress on the goods and chattels of the person so assessed in any town within the county of Milwaukee to which such person shall have removed, or in which he may reside.

**RESISTANCE.**

SEC. 46. Any person who shall resist any levy made by the treasurer for the payment of any tax as aforesaid, shall be dealt with in the same manner as is or may be provided by law for resisting process in the hands of sheriffs or constables.

**NOTICE OF FORFEITURE.**

SEC. 47. Six months previous to the time limited by this act for redeeming lots or lands sold for taxes, it shall be the duty of the treasurer of said city to publish at least twelve weeks successively in some newspaper or newspapers printed in said city, a list of all unredeemed lots or lands, describing each lot or piece of land, or any part thereof, as the same was assessed and sold, together with a notice to all interested therein, of the time when the same will become forfeited; and the common council of the said city shall fix and determine the amount which shall be paid for printing such advertisements, and for other expenses consequent thereon, and direct their clerk to add the expense so fixed and determined, to the tax which may be levied on each of said lots for the year (or the year succeeding) in which such advertisement shall be made; and such additional tax shall be collected and paid into the treasury at the same time, and in the same manner as the general tax

on said lots or lands for the same year are returned to be paid, agreeably to the provisions of this act.

#### WARD TAXES.

SEC. 48. No tax shall be levied in either ward of said city for any purpose whatever (except for county purposes, general city purposes, or for the purpose of paying the debts of the wards, as aforesaid) without the concurrence of a majority of the aldermen who shall have been elected in said ward, and for any purpose of improvement which is local in its nature, and pertains to any ward, it shall be the duty of the common council to levy such tax, consistent with this act, as shall be determined on by a majority of the aldermen who shall have been elected by the ward for the benefit of which such improvements are proposed to be made.

#### LOANS.

SEC. 49. The common council of said city shall not borrow any money on the credit of the corporation, unless authorized by a vote by ballot of at least two-thirds of the electors present and voting at any authorized election in said city, who shall have been assessed and have actually paid a tax on real and personal estate, the year preceding such vote, except in anticipation, and not exceeding the amount of the revenue of the year in which such loan shall be made. If any loan be made to promote the measures of any ward with local improvements or policy of such ward, no liability for the payment of any debt so incurred shall devolve on any other ward, nor the property or citizens thereof. And if any loan be made for the general purposes of the city, by a majority of the common council, no liability for the payment of the same shall devolve on any ward, nor the property or citizens thereof, unless at least a majority of the aldermen of such ward shall

have voted in favor of such loan; but all these wards, the aldermen of which shall have voted for the loan, shall be liable in their corporate capacity for the payment of the same in proportion to the assessed value in each respectively, according to the assessment made for general purposes when the same or any part thereof shall become due and payable, but no personal liabilities shall attach to any citizen for the payment of city debts, and on all votes taken for the purpose of making loans, raising taxes, and making appropriations for the expenditure of money for any purpose whatever, the vote in common council shall be taken by ayes and noes, calling the names of members in the order of the number of the wards; and it shall be the duty of the clerk to keep a record of all the ayes and noes so called, which record shall be conclusive evidence of the state of the vote: *Provided*, that in the levying of taxes, or for the purpose of authorizing a loan for one ward, or making appropriations within and on behalf of one ward, the vote of a majority of the aldermen of such ward shall be conclusive in deciding the question, and none others are required to be called by ayes and noes.

#### OLD DEBTS.

SEC. 50. The city authorities by this act created, shall have power to fund the debts which were due and owing on the last day of December, 1845, with such rate of interest as may be deemed proper, not exceeding ten per centum per annum, and payable by each of the wards of said city in the proportion heretofore mentioned, and nothing in this act shall be so construed as to make one of the wards as designated by this act liable for any debt contracted on or in behalf of any other ward other than in the apportionment of the debts of the town of Milwaukee, as hereinbefore is provided, or may be contracted for the separate benefit thereof, shall rest alone on the ward so contracting, and the

improvements in each ward, the disbursements of the corporate funds therein, and management of the local affairs thereof, shall be under the sole supervision, control, and direction of the aldermen thereof.

COUNCIL.

SEC. 51. In all questions of a general nature affecting all the wards, or not peculiarly affecting any one ward, (except for the preservation of the health or regulation of the police of the city) the vote shall be taken by ayes and noes, and determined by two-thirds of the votes of the entire board of common council in the affirmative; but on all questions on the passage of ordinances, rules, by-laws, or regulations of any kind touching the police, health, peace, and good order of the city, a majority of the members present and acting at any board shall determine the question; and the city board acting as such, shall have power to levy and disburse the fund which may be raised expressly for general city purposes, by taxation not exceeding one quarter of one per cent. per annum on the total of the tax assessments: *Provided*, that every such levy and disbursement shall have the concurrence of a majority of the entire board of common council.

SPECIAL ELECTIONS.

SEC. 52. If any election provided for in this act, shall for any cause, not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending, or absolving the said corporation; but such election may be held at any time thereafter, by order of the common council, of which time ten days' public notice shall be given; and further, if any of the duties enjoined by this act to be done by any officer at a time herein specified, are not then done, the common council may appoint another time upon which the said duties may be done: *Provided*, that the officer so failing to execute such duties at the time by ~~this~~

act required, shall be liable to the same actions, fines, and penalties as he would be liable to if the said council had not the power to appoint another time.

#### SUITS.

SEC. 53. When any action or suit shall be commenced against said city, the service thereof may be made by leaving a copy of the process, attested by the proper officer, with the mayor or clerk, and it shall be the duty of the mayor or clerk on whom such process may have been served, forthwith to inform the common council thereof, or take such other proceedings as by ordinance of said council may have been in such case provided.

#### ORDINANCES.

SEC. 54. Any ordinance, regulation, rule, or by-law, imposing any penalty or forfeiture for violation of its provisions, shall be published one week in some newspaper printed in said city, before the same shall be in force; and proof of such publication by the affidavit of the printer or foreman in the office of the newspaper where such publication may have been made, shall be the conclusive evidence of the promulgation of such ordinance, regulation, rule, or by-law, in all courts and places.

#### INHABITANTS.

SEC. 55. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant of said city, in any action or proceeding in which said city is a party, or interested.

#### TRANSFER.

SEC. 56. The clerk and treasurer of the town of Milwaukee, as now organized, shall transfer all the books, papers, and moneys which may be in their hands, to the clerk and treasurer who may be appointed agreeably to this act, and all the acts, ordinances, rules, or by-laws of said

town of Milwaukee, which are or may be in force at the time when this act shall take effect, shall be unimpaired and remain in force until repealed by the common council.

#### FIRE COMPANIES.

**SEC. 57.** The council shall have power to authorize the formation of fire engine, hook and ladder, and hose companies, provide for the due and proper regulation of the same, and to disband such companies at any time, and prohibit their meeting as such, when so disbanded; each company not to exceed forty able bodied men, between the age of eighteen and fifty years, which companies shall be officered and governed by their own by-laws: *Provided*, such by-laws be not inconsistent with the laws of this Territory, or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistments. Every member of each company shall be exempt from highway work and militia duty; and whenever a member of each company shall have served therein seven years, he shall receive a discharge signed by the mayor, and shall thereafter be exempt from militia duty, except in case of insurrection or invasion. Every member of a volunteer military company shall be exempt from highway duty, and whenever a member shall have served in such military company seven years, shall be entitled to a discharge signed by the mayor, and be exempt from military duty, except in cases of insurrection or invasion, if not in conflict with any existing law.

#### BRIDGES.

**SEC. 58.** That the corporation of the city of Milwaukee shall have power to pass ordinances imposing penalties against the owners and masters of vessels, or the vessels themselves, for any wilful or malicious injuries done by their vessel or vessels to any of the bridges, and to enforce the

same in an action of debt and by imprisonment, as in the case of other ordinances.

#### BRIDGES.

SEC. 59. That for every wilful or malicious injury done to any bridges, authorized by the act of the Legislature at the session of 1844 and 1845, or that may hereafter be adopted by the mutual assent of the wards in said city, by any vessel or craft navigating the Milwaukee river, said vessel or craft shall be liable in an action by warrant, in the name of the city of Milwaukee for all such damage and injury, to be enforced according to the provisions of "an act to provide for the collection of demands against boats and vessels," in the Revised Statutes.

#### REPEAL.

SEC. 60. This act may be altered, amended, or repealed by the Legislature, and the act entitled an act to change the corporate limits and powers of Milwaukee, and all acts amendatory thereof, are hereby repealed. Such repeal to take effect at the time when this act becomes operative: *Provided*, that all rights and remedies incurred or accruing under any of said acts or under any ordinance passed agreeably thereto, shall remain and be in favor of or against said city, in the same manner as the same would have been for or against said town, if this act had not been passed.

#### EXEMPTION.

SEC. 61. The following property, now, or at any time hereafter belonging to the city of Milwaukee, or either of the wards thereof, shall be exempt from levy or sale under any execution, viz: All engine houses, hook and ladder houses, together with the grounds or lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hoze, or any other fire apparatus used by any company created or authorized by the common council of said city: *Provided*,

that nothing herein contained shall exempt any of the aforesaid property from levy and sale on any execution forfeited on judgment rendered in favor of any person or persons who may have furnished any such fire apparatus on the credit of the city of Milwaukee, or either of the wards thereof.

**REAL ESTATE.**

**SEC. 62.** The city of Milwaukee, or either of the wards thereof, shall have power to lease, purchase, and hold real or personal estate, sufficient for the convenience of the inhabitants of said city, in the erection of market houses and other public buildings, and for other purposes, and may sell and convey the same at pleasure.

**CONSTRUCTION.**

**SEC. 63.** This act shall be a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from and after its passage.

**APPROVED January 31st, 1846.**



# SCHOOL LAW.

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## *AN ACT in relation to Common Schools in the City of Milwaukee.*

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

### COMMISSIONERS.

SECTION 1. The several common schools which are now, or hereafter may be established within the corporate limits of the city of Milwaukee, shall be under the general control and supervision of a board of commissioners, consisting of three persons from each ward of said city, to be appointed by the mayor and common council thereof.

### THEIR DUTIES.

SEC. 2. Within one week after the appointment of such board of commissioners, it shall be the duty of the individuals so appointed, to meet and organize, by the selection of president and secretary, and to divide themselves by lot into three equal classes; the terms of office of the first class to expire within one year from the date of appointment; those of the second class to expire in two years, and those of the third class to expire in three years from such date.

### HOW APPOINTED.

SEC. 3. It shall be the duty of the mayor and common council of the city of Milwaukee, annually, to supply by appointment, the vacancies occasioned in the board of school

commissioners by the expiration of the terms of office, and the persons so appointed shall hold their offices for three years, unless sooner removed, for misconduct or other sufficient cause, by a vote of two-thirds of the appointing board.

#### VACANCIES.

SEC. 4. It shall likewise be the duty of the mayor and common council of the city of Milwaukee, to supply by appointment any vacancies which may occur from time to time in the board of school commissioners, by resignation or otherwise.

#### AUTHORITY.

SEC. 5. The board of school commissioners are authorized and required,

#### TO ESTABLISH SCHOOLS.

1st. To establish and organize such and so many common schools within the corporate limits of the city of Milwaukee (including those now in operation) as they may deem requisite and expedient, and to alter or discontinue the same in their discretion.

#### TO EMPLOY TEACHERS.

2d. To contract with and employ all teachers in the common schools; to remove any teacher for manifest incompetency, neglect of duty, or violation of contract; and out of the moneys appropriated and provided for school purposes, to pay the teacher's wages; to purchase or hire school houses, and to improve the same, as they may deem proper; to purchase or lease suitable sites or lots, and to erect thereon good school houses, and to enlarge, alter, or repair such school houses and their appurtenances, as their judgment may dictate: *Provided*, that in no one year shall the sums expended for the various purposes, exceed

the amount raised and appropriated in that year, for the support and benefit of common schools.

#### TEXT BOOKS.

3d. To select and introduce into the several schools, uniform text books ; to purchase, exchange, or repair necessary school apparatus ; to furnish fuel, and to defray the contingent expenses of (of) the school.

#### TUITION.

4th. To fix the rate of tuition fees in said school, which rate shall not exceed one dollar and fifty cents per quarter of eleven weeks, for each scholar ; and to exempt from the payment of such fees, or any portion of them, such persons as they may deem entitled to exemption by reason of their indigence, or for other sufficient cause.

#### EXPENSES.

5th. To defray the necessary contingent expenses of the board, including the annual salary to the clerk, which shall not exceed one hundred dollars : *Provided*, that the account of such expenses shall first be audited and allowed by the mayor and common council of the city.

#### RATE-BILLS.

6th. At the end of each term or quarter, to make out rate bills, containing the name of each person liable to pay tuition fees, and the amount for which such person is liable, and to deliver such rate bill, with a warrant attached for its collection, drawn by the mayor, to a collector or constable, designated by the board, who shall execute the same in like manner and with like effect with other warrants for the collection of taxes, and who shall previously execute to the board of commissioners, in their corporate capacity, a bond with one or more sureties, to be approved by said commissioners, or a majority of them, conditioned for the faithful performance of his duty.

## COLLECTOR.

7th. To sue and recover, in their corporate capacity, the amount of the penalty prescribed in said bond, for the faithful performance of the duties of the collector, in case of any neglect or malfeasance on his part.

## SUPERVISION.

8th. To have in all respects, the superintendence and management of the common schools of the city ; to adopt, and in their discretion, modify or repeal such by-laws, rules, and regulations for their own government, and for the organization and management of the schools under their charge, and generally to adopt all such measures as shall be calculated to promote the good order, prosperity, and public utility of the common schools : *Provided*, that such by-laws, rules, and regulations shall not conflict with the laws of the United States, and of the Territory of Wisconsin, or with the ordinances of the corporation of the city of Milwaukee ; and *Provided further*, that such by-laws, rules, and regulations, before going into effect, shall be submitted to, and approved by the corporate authorities of the city of Milwaukee.

## ANNUAL REPORT.

9th. To visit the several schools, individually or as a body, as often as once a quarter ; to hold stated meetings of the board once a month or oftener, if by them deemed advisable ; to require at the quarterly or semi-annual meetings of the board, the presence and reports of all the principal teachers ; to make an annual report, on the first day of April, to the mayor and common council of the city of Milwaukee, of the proceedings and acts of the board of commissioners, and of the number and condition of all the common schools kept in said city during the year, the time they have severally been taught, the number of children

taught in said schools respectively, and the number between the ages of 5 and 16, residing in the city on the first day of January preceding; the amount of school moneys raised or received during the year, distinguishing the amount raised by taxes, and the amount received from rate bills, the manner in which such moneys have been expended, and whether any portion remains unexpended, together with such other information as they may deem useful, or the common council may require at their hands; and annually to determine and certify to the said common council, the sums in their opinion necessary or proper to be raised for the purchase, lease, improvement of the sites of school houses, the building, purchase, lease, or repair of school houses and their appurtenances; the purchase or improvement of school furniture, fixtures, books, and apparatus, the payment of teachers' wages; the procurement of fuel and the disposal of the contingent expenses of the several schools, distinguishing and specifying the sums required for each object.

#### TITLE.

SEC. 6. The title to the school houses, sites, lots, furniture, books, apparatus, appurtenances, and all other school property, shall be vested in the corporate authorities of the city, and while used or appropriated to school purposes, such property shall not be liable to levy or sale under any warrant or execution, nor to taxation, or assignment for any purpose.

#### SCHOOL TAX.

SEC. 7. It shall be the duty of the mayor and common council of the city of Milwaukee, to raise annually by tax on all the real and personal property of the city, such sums of money as the board of commissioners shall certify to be necessary for the support and maintenance of the common schools in said city during such year, and in their discretion,

such further sums as said board of commissioners may certify to be required for the purchase, erection, alteration, repair, or furniture of school houses : *Provided*, that the aggregate amount so received by tax for school purposes, shall not exceed, in any one year, one-fourth of one per cent. upon all the taxable property in the city.

#### SCHOOL FUND.

SEC. 8. All moneys raised by tax for school purposes, and all moneys received for tuition fees, shall be paid over to the treasurer of the city of Milwaukee, to be disbursed by him on the order of the board of commissioners, duly certified by their chairman and clerk, and no moneys so raised or received for common schools, shall be used or appropriated for any other purpose whatever.

#### RECORDS.

SEC. 9. It shall be the duty of the clerk of the board of school commissioners to keep a record of the proceedings of said board, and to perform such other duties as they may from time to time prescribe.

#### SCHOOLS.

SEC. 10. No school which is now, or may hereafter be established within the limits of the city, shall be entitled to any share of the moneys raised or received for school purposes, unless there shall be an actual average daily attendance of thirty scholars, nor unless the English language be taught therein as a branch of education, and such school conform in all respects to the rules and regulations which may be adopted by the board of commissioners for the government of the common schools of the city.

#### PUBLIC SCHOOLS.

SEC. 11. The board of school commissioners shall, in their discretion, declare any school already established, or which may hereafter be established by any portion of the

citizens within the corporate limits of the city, and in which not less than thirty children are taught, a common school. *Provided*, the teacher in said school should, after examination by the commissioners, be found qualified, and keep his school according to the provisions of this act in conformity with the rules and regulations established by the board; and such school shall receive the same benefit from the funds raised for school purposes as any of the schools authorized by this act.

#### MISCELLANEOUS.

SEC. 12. All laws or parts of laws which are inconsistent with the provisions of this act, are hereby repealed.

SEC. 13. The first appointment of commissioners under this act, shall be made within ninety days after it shall become a law.

SEC. 14. This act shall take effect immediately after passage.

APPROVED February 3, 1846.

## BRIDGE LAW.

### *AN ACT relating to Bridges in the City of Milwaukee.*

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin :

#### LOCATION.

SECTION 1. The president and board of trustees of the town of Milwaukee, or the common council of the city of Milwaukee, or the aldermen of any ward therein, shall have the right and authority to build, maintain, repair, rebuild, and keep in operation bridges across the Milwaukee river, at the following places, to wit : A bridge from the foot of Water street, near the warehouse of George D. Dousman, in the third ward, to the foot of Ferry street, in the fifth ward; or attempting to pass the same.

wa.

#### INJURIES.

from Water street, in the first ward, to the foot of Cherry street, in the second ward.

#### HOW MAINTAINED.

SEC. 2. The present bridge, at the place first mentioned in the preceding section, shall be maintained and attended at the joint expense of the first, third, and fifth wards, in proportion to their respective tax lists, and may be re-built at the like expense, or otherwise, upon such plan as may be agreed upon by the said wards : *Provided, however,* that it shall have a convenient draw, double or single, not less than



## WHEN TO TAKE EFFECT.

free passage of all water crafts navigating the Milwaukee river. The first and third and the second and fourth wards, shall re-build the bridge at the second place mentioned in the preceding section, and shall make the same a double track bridge, twenty-eight feet wide, with two draws, (one on each side of the river) seventy feet long, with a walk for foot passengers on each side, and a suitable house attached thereto, to be occupied by the attendant of said bridge. The same wards shall erect and maintain a bridge at the last mentioned place in the preceding section, twenty feet in width, to be constructed without a draw.

The expense of constructing, sustaining, and attending the two last mentioned bridges, shall be apportioned between the said wards as follows :

1st. The first and third wards shall pay three-fourths, and the second and fourth wards one-fourth of the expense in constructing the bridge at Wisconsin and Spring streets, and forever thereafter the said wards shall pay in proportion to their respective tax lists for re-building, repairing, and attending said bridge.

and the second and fourth wards shall do the remainder of the work to connect the same with the main land at Cherry street, and thereafter the said wards respectively shall keep the same in repair.

The second and fourth wards shall do their proportion of said work, and shall grade Cherry and Vliet streets, to intersect with the Madison or the Prairieville road, within one year from the adoption of this act; and the first and third wards shall do their proportion of said work, and shall grade Water street to said bridge, within the same time.

*AN ACT relating to certain Streets in the City  
of Milwaukee.*

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin;

IN THIRD WARD.

SECTION 1. The president and board of trustees of the town of Milwaukee, or the aldermen of the third ward of the city of Milwaukee

DAMAGES.

SEC. 4. All the said bridges shall forever remain free of toll, in passing the same, and (except the Cherry street bridge) shall be so constructed and attended that no unnecessary delay shall be made to the passage of any water craft navigating said river; and the wards interested in proportion to their respective tax lists, shall be liable to pay all damages which any water craft may sustain by delay in passing or coming in contact with any such bridge in passing or attempting to pass the same.

INJURIES.

SEC. 5. The general laws for the preservation of bridges, and the punishment by such laws, provided for wilful and malicious injuries done thereto, are hereby extended to include all the aforesaid bridges, and shall apply to any wilful or malicious damage which may be done to either of them by any person or persons whatever. In case such damage shall be done by the master or commandant of any vessel or other water craft, such vessel or craft shall be liable for all such damage, and may be proceeded against under the act to provide for the collection of demands against boats or vessels.

sixty feet in the clear, and be so constructed as to admit the free passage of all water crafts navigating the Milwaukee river. The first and third and the second and fourth wards, shall re-build the bridge at the second place mentioned in the preceding section, and shall make the same a double track bridge, twenty-eight feet wide, with two draws, (one on each side of the river) seventy feet long, with a walk for foot passengers on each side, and a suitable house attached thereto, to be occupied by the attendant of said bridge. The same wards shall erect and maintain a bridge at the last mentioned place in the preceding section, twenty feet in width, to be constructed without a draw.

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with the provisions of this act, are hereby repealed. attending  
APPROVED February 2, 1846.

WHEN VACATED.

*AN ACT relating to certain Streets in the City  
of Milwaukee.*

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin ;

IN THIRD WARD.

SECTION 1. The president and board of trustees of the town of Milwaukee, or the aldermen of the third ward of the city of Milwaukee, are hereby authorized and empowered to levy a special tax on the lots fronting each side of Main street, between Huron street and the Milwaukee river, for the purpose of grading said street, and the special tax so levied shall not exceed two-thirds of the costs of said improvement, and may be collected at the same time, and in the same manner as the general tax of said town or city.

IN FIFTH WARD.

SEC. 2. The president and the board of trustees of the town of Milwaukee, or the aldermen of the fifth ward of the city of Milwaukee, are hereby authorized and empowered to extend and grade South Water street, and levy a special tax on the real estate benefitted thereby ; and the special tax so levied shall not exceed three-fourths of the costs of said improvement, and may be collected at the same time, and in the same manner as the general tax of said town or city.

APPROVED February 2, 1846.

*AN ACT to authorize the City of Milwaukee to borrow money, and for other purposes.*

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin :

LOAN AUTHORIZED.

SECTION 1. That the mayor and common council of the city of Milwaukee be and are hereby authorized, for the purposes hereinafter mentioned, to borrow, on the faith of said city, any sum or sums of money not exceeding in the aggregate, fifteen thousand dollars, for any term or terms not less than ten years, and at such rate or rates of interest not exceeding ten per cent. per annum, as to them shall seem expedient.

HOW APPROPRIATED.

SEC. 2. That the whole of the moneys so borrowed shall be appropriated to the purchase of suitable sites, and to the construction of school houses in the city of Milwaukee, and to no other purpose whatever.

SPECIAL TAX.

SEC. 3. It shall be the duty of the mayor and common council of said city, and they are hereby authorized to levy and collect annually on the taxable property within said city, in addition to the taxes already authorized by law, a sum sufficient to pay and discharge the interest on such loan or loans as the same becomes due, and also such further sum as to them shall seem expedient, to constitute a sinking fund for the final liquidation of the principal of the loan or loans so made, as the same become due; and the proceeds of every

such ~~law~~ shall be applied to the payment of the interest and principal of such loan or loans, and to no other purpose whatever.

ELECTION.

SEC. 4. This act shall take effect when a majority of the legal voters of said city, voting upon said question, shall vote it favor of the same, at any election called by the mayor and common council for that purpose.

WILLIAM SHEW,

Speaker of the House of Representatives.

MASON C. DARLING,

President of the Council.

APPROVED January 25, 1847.

HENRY DODGE.

*AN ACT to amend an act entitled "An Act to incorporate the City of Milwaukee."*

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

OFFICERS ELECTED.

SECTION 1. At each annual election hereafter to be held in the city of Milwaukee, as provided by the act to which this is amendatory, there shall be elected in the same manner, and for the same term as the mayor of the said city is now elected, one treasurer, one city attorney, and one marshal; and there shall also be elected in each ward in said city, at the same time, in the same manner, and for the same term

that aldermen are now elected in the several wards, three assessors, one constable, and one street inspector.\*

#### THEIR POWERS AND DUTIES.

SEC. 2. The officers whose election is provided for in the preceding section, shall have the same powers, perform the same duties, and be subject to the same liabilities as if they had been appointed by the common council of said city, and said officers may be removed for incompetency, or malfeasance in office in the same manner as justices of the peace in said city may by law be removed.\*

#### FIREMEN.

SEC. 3. All members of any fire engine, hook and ladder, or hose company, organized by the common council of said city, shall be exempt from jury duty, military duty, and poll tax, during the continuance of such membership; and any person having served the full term of seven years in either of said companies, shall be forever thereafter exempt from jury duty, and poll tax, and from military duty except in cases of insurrection or invasion.

#### CHATTEL MORTGAGES.

SEC. 4. Chattel mortgages filed in the office of the clerk of said city, shall be valid and legal, as if the same had been filed in the town clerk's office, or recorded in the office of the register of deeds.

#### REPEALS.

SEC. 5. So much of the act to which this is amendatory, as gives to the common council of said city the power to appoint a treasurer, attorney, marshal, constables, assessors, or street inspectors, and so much thereof as requires the

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\*Repealed March 12, 1849.

payment of any tax or membership in a fire company, as a qualification for an elector, is hereby repealed.\*

WILLIAM SHEW,

Speaker of the House of Representatives.

MASON C. DARLING,

President of the Council.

APPROVED February 4, 1847.

HENRY DODGE.

*AN ACT to authorize the levy of a Special Tax  
in the Third Ward of the City of Milwaukee.*

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin:

SECTION. 1. That the aldermen of the third ward of the city of Milwaukee be, and they are hereby authorized to levy and collect a special tax on the city lots lying in the marsh south of Huron street, and east of East Water street, in said ward; said tax to be applied to grading, filling, or constructing the streets in said ward, in front of said lots: *Provided*, that the special tax so to be levied and collected shall not exceed three-fourths of the cost of [the] grading, filling, or constructing of said streets, and that the said tax shall be apportioned upon said lots according to their respective fronts.

TIMOTHY BURNS,

Speaker of the House of Representatives.

HORATIO N. WELLS,

President of the Council.

APPROVED March 11, 1848:

HENRY DODGE.

\*Repealed March 12, 1849.



*AN ACT to authorize the levy of a Special Tax  
in the Fifth Ward of the City of Milwaukee.*

BE IT ENACTED by the Council and House of Representatives of the Territory of Wisconsin :

SECTION 1. That the aldermen of the fifth ward of the city of Milwaukee be, and they are hereby authorized to levy and collect a special tax on the city lots lying in said ward ; said tax to be applied towards the grading, filling, or construction of the streets in said ward : *Provided*, that in laying said tax for the grading, filling, or constructing of any particular street, not more than three-fourths of the cost of so grading, filling, or constructing such street shall be levied upon the lots fronting on such street ; and which shall be distributed upon such lots according to their fronts throughout the whole extent of such street.

**TIMOTHY BURNS,**

Speaker of the House of Representatives.

**HORATIO N. WELLS,**

President of the Council.

**Lieut. Governor and President of the Senate.**

**APPROVED August 10, 1848.**

**NELSON DEWEY.**

***AN ACT additional to an act to incorporate the  
City of Milwaukee, approved January 31, 1846.***

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

**SECTION 1.** The common council of the city of Milwaukee are hereby authorized to levy and collect a special tax on the city lots lying on any street or part of a street in said fifth ward, for the purpose of grading or graveling any such street or part of a street, in proportion to the cost of such street in front of such lot or lots : *Provided*, that no engineer's expenses shall be specially charged on such lot or lots : and *Provided, further*, that the owner or owners of such lot or lots shall have the right to construct such street within a reasonable time, which time shall be determined by the common council.

**Sec. 2.** Where the general interest of the city requires deep cutting or extraordinary filling, and the owners of lots fronting on such deep cutting or filling shall feel themselves aggrieved thereby, the common council shall, on petition of the owners, require the city marshal to summon a jury of twelve good freeholders, not residents of the fifth ward, who shall carefully examine the same, and if in their opinion the lots fronting on such deep cutting or filling will be injured by such grade, it shall be their duty to make report to the common council how much of the tax (if any) the owner or owners of lots so situated, should be exempt from paying :

*Provided always*, that the owner or owners must petition within ten days after the assessment of the said tax shall have been made.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

N. E. WHITESIDE,  
Speaker of the Assembly.

JOHN E. HOLMES,

Lieut. Governor and President of the Senate.

APPROVED August 19, 1848.

NELSON DEWEY.

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*AN ACT additional to "An Act to incorporate the City of Milwaukee," approved January 31st, 1846.*

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

HARBOR TAX.

SECTION 1. It shall be lawful for the common council of the city of Milwaukee to levy, in addition to the taxes now authorized to be raised, a tax not exceeding one per centum per annum on all taxable property of said city, for the purpose of constructing a harbor and building piers at Centre street in said city, and for dredging the Milwaukee river; said tax to be levied yearly until said harbor, piers, and dredging shall be completed; the said taxes shall be collected in the same manner as other city taxes are collected;

## ELECTION.

**SEC. 2.** Before levying the tax mentioned in the preceding section, an election shall be held in the several wards of said city, at such time and place as the common council of said city may designate, the mayor of said city first giving two weeks' public notice of the time, places, and purpose of said election, at which election all white male residents of the city of Milwaukee who have paid or may be liable to pay taxes on real or personal property, shall be entitled to vote in their respective wards for or against the levy of said tax; the ballots shall be written or printed to the following effect: "For harbor tax," or "Against harbor tax."

## RETURNS.

**SEC. 3.** The returns of said election shall be made within two days from the time of holding the same, to the clerk of the common council of said city; said election shall be otherwise conducted in the same manner as elections for city officers, and if it shall appear after the return and canvass of the votes cast at said election, that each ward of said city has given a majority of votes for said harbor tax, the mayor and aldermen of the city of Milwaukee, or a majority of them in common council assembled, shall have power and authority to levy said tax as provided for in the first section of this act.

## HOW LEVIED.

**SEC. 4.** On the return and canvass of the votes cast at said election, if it shall appear that any ward or wards have not cast a majority of votes in favor of said harbor tax, it shall and may be lawful for the aldermen of the ward or wards voting in favor of the same, to levy said tax in the wards casting a majority of votes for the same, as is provided for in the first section of this act.

**TAX LEGAL AND BINDING.**

**SEC. 5.** Any tax levied by virtue of the provisions of this act, shall be legal and binding—anything in the thirty-second or forty-eighth sections of “an act to incorporate the city of Milwaukee,” approved January 31st, 1846, to the contrary notwithstanding.

**INSPECTORS.**

**SEC. 6.** Any inspector or inspectors of the election herein provided for who shall wilfully refuse or neglect to make full returns to the clerk of the common council of said city, of all the votes cast at said election, as hereinbefore provided for, shall be subject to a fine of five hundred dollars each; the same to be sued for and recovered in the name of the State of Wisconsin, and when collected to be paid into the state treasury, for the benefit of the school fund.

**N. E. WHITESIDE,**  
Speaker of the Assembly.  
**JOHN E. HOLMES,**

Lieut. Governor and President of the Senate.

APPROVED August 19, 1848.

**NELSON DEWEY.**

*AN ACT to amend an act entitled "An Act to incorporate the City of Milwaukee," and acts amendatory thereto.*

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows:

**TREASURER.**

**SECTION 1.** At each annual election hereafter to be held in the city of Milwaukee for city officers, a city treasurer shall be elected, who shall hold his office for the term of one year, and until his successor is elected and qualified; and the votes cast for treasurer shall be canvassed and returned as in case of an election for mayor of said city; and the treasurer so elected shall perform the same duties, and be subject to the same liabilities, as if appointed by the common council, and if guilty of malfeasance or improper conduct in office, he may be removed in the manner provided by law for the removal of justices of the peace in said city.

**PRESIDENT.**

**SEC. 2.** The common council shall annually elect one alderman to be president of their board, who in the absence of the mayor, shall be acting mayor of said city.

**ALMSHOUSE FARM.**

**SEC. 3.** The south-east quarter of the south-west quarter of section fifteen, of township seven north, of range twenty-two east, being the almshouse farm, shall be included within the limits and bounds of the city of Milwaukee, and the south boundary of said city shall be so changed, that from

the point therein in range with the south side of the south pier of the government harbor, the line shall diverge and run south-easterly in a direct line to and along the south side of said pier to the further extremity thereof, and five hundred feet beyond, and from thence due east to the eastern boundary of the State of Wisconsin, and from thence due north to the south-east corner of said city as heretofore established.

#### PIERS AND WHARVES.

SEC. 4. The common council of said city shall have and may exercise the power to pass ordinances or by-laws regulating the piers or wharves extending into lake Michigan in said city, and to prescribe and regulate the prices to be charged for pierage or wharfage thereon.

#### QUALIFICATIONS OF VOTERS.

SEC. 5. So much of section six of the act to which this is amendatory, as requires three months' residence in any ward as a qualification of an elector for city officers, is hereby repealed; and hereafter all persons who have resided in any ward ten days next preceding any election, and shall possess the other qualifications mentioned in said section, shall be entitled to vote in the ward where he resides at such election.

#### LIABILITY OF ALDERMEN.

SEC. 6. Those aldermen voting in favor of any expense to be paid out of the general city funds, or being upon a committee contracting to have a service performed, by which the said city shall become liable in any one year in the aggregate for more than the amount raised for preserving health, regulating police, for supporting the poor, or revenues derived for those purposes, shall be liable to pay the excess in their individual capacity: *Provided*, that if from events beyond their control, such as insurrection or

contagion, expenses shall be incurred in any year beyond the amount of revenue provided for city purposes in such year, then the aldermen shall not be liable for such excess.

#### PERSONAL LIABILITY.

SEC. 7. Those of the aldermen in any ward voting for and incurring expense for ward purposes, in any one year, beyond the amount of tax levied in such ward and revenues received for ward purposes, shall be personally liable for the excess.

#### RIGHTS—HOW ENFORCED.

SEC. 8. Persons having rights by virtue of the foregoing sections, may enforce the same by an action on the case; and lawful possession of any draft, warrant, or order, drawn during such year, together with proof that there is a greater amount of indebtedness than the taxes and revenues aforesaid, shall be sufficient to make out a prima facie case for the plaintiff.

#### CHATTEL MORTGAGES.

SEC. 9. The clerk of said city shall record an abstract of all chattel mortgages filed in his office, in a book to be provided for that purpose by the city; and when such mortgages are discharged, he shall make an entry of the fact in the margin of such record, as in the case of mortgages upon real estate, and such chattel mortgages shall not be filed or recorded at any other place in said city. The clerk shall be entitled to the same fees per folio for recording such abstract and discharge as are allowed by law to registers of deeds.

#### ORDERS—HOW REDEEMED.

SEC. 10. It shall be the duty of the common council and of the several wards, to redeem the orders of the city and of the respective wards, out of the funds applicable to the



purpose, first paid into the treasury after this law shall take effect.

#### ABSENTEES.

SEC. 11. A majority of the aldermen present at any regular (or special meeting properly called) shall have power to enforce the attendance of absentees by compulsory process; and a resolution passed by a majority of such aldermen for the attendance of absentees, shall empower the marshal or other officer in attendance of the common council, to enforce the attendance of such absentees, the same as writs of attachment empower officers to compel the attendance of witnesses in courts of justice.

#### WARDS MAY BE SUED.

SEC. 12. The city of Milwaukee shall not be sued, nor shall the property thereof be liable for any debt contracted by or in behalf of any ward; but any person having a debt, claim, or demand against a ward, may sue such ward by its name of first ward, second ward, third ward, fourth ward, or fifth ward of the city of Milwaukee, as the case may be, and collect the amount of his judgment upon the goods, chattels, lands, tenements, and hereditaments, of such ward, and service of process upon a majority of the aldermen of such ward shall be sufficient notice.

#### REPEAL.

SEC. 13. Sections one, two, and five of an act entitled an act to amend an act entitled "an act to incorporate the city of Milwaukee," approved February 4, 1847, and also the proviso at the end of section three of the act additional to an act to incorporate the city of Milwaukee, approved August 10, 1848, and all other acts and parts of acts contravening the provisions of this act are hereby repealed:

**JUSTICES OF THE PEACE.**

**SEC. 14.** The justices of the peace in the several wards, now in office, shall continue to hold their respective offices, unless removed by the competent authority, for the term of two years from the time of their election, and until their successors are duly elected and qualified; and hereafter justices of the peace shall be elected at the time and in the manner and for the term heretofore prescribed by the act incorporating said city, notwithstanding the change from a territorial to a state government.

**SEC. 15.** This act shall take effect from and after the first Monday of April next.

**HARRISON C. HOBART,**  
Speaker of the Assembly.

**JOHN E. HOLMES,**

Lieut. Governor and President of the Senate,

**APPROVED** March 12, 1849.

**NELSON DEWEY.**

*AN ACT to enable the City of Milwaukee to aid  
in the construction of a Railroad from that  
City to the Mississippi River.*

The people of the State of Wisconsin represented in Senate and Assembly, do enact as follows :

**SUBSCRIPTION OF STOCK.**

**SECTION 1.** That the common council of the city of Milwaukee shall have authority to subscribe, in behalf of that city, to the capital stock of the " Milwaukee and Waukesha Railroad Company," incorporated February 11, 1847, by the Legislature of Wisconsin Territory, or to the capital stock of any other company which is now or may hereafter be incorporated for the purpose of constructing a railroad from the city of Milwaukee to the Mississippi river, to the amount of one hundred thousand dollars: *Provided, however,* that if, in the opinion of the common council, the interests of said city should hereafter require it, it shall have authority to increase its subscription to the said stock from time to time, until the aggregate amount of the subscription shall equal the amount of two hundred and fifty thousand dollars.

**LOAN AUTHORIZED.**

**SEC. 2.** In order to provide for the payment of the instalments on the stock subscribed as aforesaid, the said common council may borrow, on the faith of the city, any sum or sums of money not exceeding in the aggregate the whole amount of the instalments to become due on such

stock, at a rate of interest not exceeding ten per centum per annum, and for a term not exceeding ten years ; and in order to provide for the payment of the instalments becoming due on such stock, in case the same shall not have been provided for by law or otherwise, and also in order to provide for the payment of interest and principal of any loan made in pursuance of this act, the said common council shall levy annually a tax on the real estate within the incorporated limits of the city, not exceeding one per cent. on the assessed value of such property : *Provided, however*, that if in any year the exigency of the case shall require it, such tax may be increased to any rate not exceeding two per cent. on such assessed value.

#### RAILROAD TAX RECEIPTS.

SEC. 3. Every person who shall pay such tax, shall be entitled to receive from the treasurer of said city, a receipt therefor, specifying the sum paid and for what object, and such receipt or receipts shall, upon their surrender to the proper officer of said city, entitle the holder or assignee thereof to a transfer and assignment from said city of a share or shares of such capital stock, subscribed as aforesaid, equal in amount to the amount of such receipts : *Provided, however*, that in estimating the value of such shares, in case the instalments on the same shall have been paid for with the proceeds of any loan herein authorized, interest on such instalments shall be included.

APPROVED March 12, 1849.

*AN ACT to authorize Thomas P. Williams and  
others to build a Bridge.*

The People of the State of Wisconsin represented in  
Senate and Assembly, do enact as follows :

**BRIDGE AUTHORIZED.**

**SECTION 1.** Thomas P. Williams and such other persons  
as shall associate with him, shall be and are hereby author-  
ized to construct a bridge across the Milwaukee river in the  
city of Milwaukee, from the foot of Main or Milwaukee  
street, in the third ward, to the foot of Lake or some other  
street in the fifth ward of said city.

**REPAIRS.**

**SEC. 2.** Said bridge shall be built and kept in repair by  
said Thomas P. Williams, his associates, or assigns, and  
when completed, shall be and remain forever free, and no  
toll shall be required from any person or persons crossing  
the same.

**NOT TO OBSTRUCT NAVIGATION.**

**SEC. 3.** Said bridge shall be so built as not to obstruct  
or encroach upon the channel of the Milwaukee river, by  
any permanent obstruction, and shall have a convenient  
draw or draws, (of a capacity not less than the draw of the  
Walker's Point bridge, from the foot of Water street, in the  
fifth ward of said city) capable of being so managed as to  
admit the passage of all boats, vessels, and water craft  
navigating or which may hereafter navigate the Milwaukee  
river, without hindrance or unnecessary delay ; and the  
owners of said bridge shall attend or cause the same to be

attended, so as to pass and repass all boats, vessels, and water craft, at all times, free of expense, and without unnecessary delay or interruption.

#### DAMAGES.

SEC. 4. The said Thomas P. Williams and associates or assigns shall be liable for any damage that may occur to any person or persons, in consequence of any insufficiency of said bridge, or any bad management of the draw of the same.

SEC. 5. All laws in force for the protection of public bridges, and all laws that may hereafter be enacted for their protection, and all ordinances of the city of Milwaukee for the protection of bridges within the city, shall be applicable to said bridge.

HARRISON C. HOBART,

Speaker of the Assembly.

MYRON B. WILLIAMS,

President of the Senate, pro tem.

APPROVED March 2, 1849.

NELSON DEWEY.

*AN ACT to authorize the Aldermen of the First Ward of the City of Milwaukee to levy a Special Tax to raise money for the purpose of erecting a Market House in said ward.*

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

TO ISSUE BONDS.

SECTION 1. The aldermen of the first ward of the city of Milwaukee are hereby authorized to issue bonds to an amount not exceeding six thousand dollars, payable out of any funds belonging to the first ward of said city, not otherwise appropriated, in the treasury at the time said bonds become due ; the bonds to be made payable at such time and place, and on such rate of interest, not exceeding ten per cent. per annum, as the aldermen of said ward, or a majority of them, may deem proper and necessary to carry out the object, viz : to build a market house on lots five and six, in block fifty-five, in said first ward.

SPECIAL TAX.

SEC. 2. For the purpose of liquidating and paying the said bonds, the said aldermen of the first ward of said city, shall cause to be levied a special tax upon all the taxable property in said ward, not exceeding one per cent. in any one year, which tax shall be collected and paid over to the city treasurer, at the same time, and in the same manner and form as other taxes are collected and paid, and when so collected, the same shall not be appropriated or used for any other purpose whatever than paying the bonds provided for in the first section of this act.

**PERSONAL LIABILITY.**

**SEC. 3.** Any alderman voting to have the funds mentioned in this act, or any part thereof, appropriated or used for any other purpose than paying the bonds as provided for in the second section of this act, shall be held personally liable for the same; and any person having rights by virtue of the provisions of this act, may enforce the same by an action on the case.

**MARKET HOUSE.**

**SEC. 4.** The said market house shall belong to and be the property of the first ward of the city of Milwaukee, and together with the lots upon which the same shall be situated, shall be exempt from all taxes, and the same shall be under the management and control of the aldermen of said ward, and the proceeds arising from the letting of the same, shall enure to the benefit of said ward.

**ELECTION.**

**SEC. 5.** This act shall be submitted to the legal voters of the first ward, at the next annual charter election held after its passage, or at any special election which may be called by the aldermen of said ward, of which ten days' notice shall be given, by publishing the same in one or more newspapers published in the city of Milwaukee; and if a majority of the votes cast upon the question shall be "for the market house," then this act shall take effect and be valid; but if a majority of the votes so cast, shall be "against the market house," then this act shall be null and of no effect.

**HARRISON C. HOBART,**

Speaker of the Assembly.

**ASA KENNY,**

President of the Senate, pro tem.

**APPROVED** March 27, 1849.

**NELSON DEWEY.**



### CHAPTER I. THE THEORY OF THE

The first part of the book is devoted to a general discussion of the theory of the subject. It begins with a definition of the term "theory" and then proceeds to a discussion of the various methods of inquiry which are employed in the study of the subject. The author then discusses the various branches of the subject and the relationship between them. The chapter concludes with a summary of the main points of the theory.

The second part of the book is devoted to a discussion of the history of the subject. It begins with a discussion of the early history of the subject and then proceeds to a discussion of the more recent history. The author discusses the various schools of thought which have developed in the study of the subject and the relationship between them. The chapter concludes with a summary of the main points of the history.

The third part of the book is devoted to a discussion of the application of the theory to the study of the subject. It begins with a discussion of the various methods of inquiry which are employed in the study of the subject and then proceeds to a discussion of the various branches of the subject and the relationship between them. The chapter concludes with a summary of the main points of the application.

The fourth part of the book is devoted to a discussion of the future of the subject. It begins with a discussion of the various methods of inquiry which are employed in the study of the subject and then proceeds to a discussion of the various branches of the subject and the relationship between them. The chapter concludes with a summary of the main points of the future.

The fifth part of the book is devoted to a discussion of the conclusion of the study. It begins with a discussion of the various methods of inquiry which are employed in the study of the subject and then proceeds to a discussion of the various branches of the subject and the relationship between them. The chapter concludes with a summary of the main points of the conclusion.

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